IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.33616 of 2008
1. VIRENDRA THAKUR @ BIRENDRA THAKUR S/O LATE MAHABIR THAKUR, R/0 VILLAGE-MADHUBANI, P.S. KURSEKANTA,DISTRICT PURNEA
2. MD. KUTHUBUDDIN, S/0 MD. KALIMUDDIN, R/0 VILLAGE-RAJAULA, P.S. KURSEKANTA, DISTRICT-PURNEA
…….PETITIONERS.
Versus
THE STATE OF BIHAR…OPPOSITE PARTY.
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4. 18.12.08. Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in connection with Kasba (Jalalgarh) P.S. Case No. 42 of 2006 registered under Sections 420, 467, 468 and 414 of the Indian Penal Code.

It is submitted that the petitioners have been made accused on the alleged statement given by the driver of the vehicle who was intercepted. It is further submitted that the driver who was driving the vehicle claims himself to be driver of the vehicle and produced copy of owner book in which the names of the petitioners were mentioned.

Learned counsel for the petitioners further submits that driver of the vehicle was let off by the police. It is further submitted that during investigation, material collected to show that theft of the vehicle in question, a case was registered in Indore and no any material could be collected against these petitioners save and except statement of the driver and document which he produced.

Learned A.P.P. for the State submits that on perusal of the case diary except statement of the driver, driving the vehicle and producing Xerox copy of the document, no other material could be collected against the petitioners.

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Considering the facts and circumstances of the case, it is directed that in the event of arrest or surrender within a period of four weeks from today, the petitioners namely, (1) Virendra Thakur @ Birendra Thakur and (2) Md. Kuthubuddin, shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amout each to the satisfaction of the Chief Judicial Magistrate, Purnea, in connection with Kasba (Jalalgarh) P.S. Case No. 42 of 2006, subject to the conditions as laid down under Sub Section 2 of Section 438 of Criminal Procedure.

m.p. **(Shailesh Kumar Sinha, J.)**

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